

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

***Caption in Compliance with D.N.J. LBR  
9004-1(b)***

**OBERMAYER REBMAN MAXWELL & HIPPEL LLP**

Edmond M. George, Esquire

Michael D. Vagnoni, Esquire (pro hac vice)

Turner N. Falk, Esquire

1120 Route 73, Suite 420

Mount Laurel, NJ 08054-5108

Telephone: (856) 795-3300

Facsimile: (856) 482-0504

E-mail: edmond.george@obermayer.com

michael.vagnoni@obermayer.com

turner.falk@obermayer.com

Proposed Counsel to the Debtor  
and Debtor in Possession

In re:

ALUMINUM SHAPES, L.L.C.,

Debtor.

Chapter 11

Case No. 21-16520-JNP

ALUMINUM SHAPES, L.L.C.,

Plaintiff,

v.

MARTIN J. WALSH, Secretary of Labor,  
United States Department of Labor,

ADVERSARY NO.

Defendant.

**ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE GRANTED A  
PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER  
PURSUANT TO 11 U.S.C. § 105(a) AND/OR FOR AN EXTENSION OF THE  
AUTOMATIC STAY PURSUANT TO § 362(a) OF THE BANKRUPTCY CODE**

The relief set forth on the following pages, numbered two (2) through four (4) is hereby

**ORDERED.**

Page -2-

Debtor: Aluminum Shapes, L.L.C.

Case No: 21-16520-JNP

Caption of Order: **Order to Show Cause of Debtor Aluminum Shapes, L.L.C. Why Plaintiff Should Not be Granted a Preliminary Injunction and Temporary Restraining Order Pursuant to 11 U.S.C. § 105(a) and/or for an Extension of the Automatic Stay Pursuant to § 362(a) of the Bankruptcy Code**

**AND NOW**, upon: (i) consideration of the Debtor's Application (the "Application")<sup>1</sup> pursuant to Federal Rule of Civil Procedure ("Federal Rule") 65 and Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 7001 and 7065 and sections §§ 105(a) and 362(a) of Title 11 of the United States Code (the "Bankruptcy Code") for Order to Show Cause Compelling the Defendant to show cause why Plaintiff should not be granted (i) an injunction against Martin J. Walsh, Secretary of Labor, United States Department of Labor (the "Secretary" or "Defendant") staying, and preventing the Secretary from taking any action in, the pending Occupational Safety and Health Review Commission (the "OSHRC") administrative action, on behalf of the Department of Labor - Occupational Safety and Health Administration ("OSHA"), against the Plaintiff (the "OSHA Action"); and/or (ii) an extension of the scope of the automatic stay to include the OSHA Action; and after notice and opportunity for a hearing, and good and sufficient notice having been provided to the Defendant as provided in the Debtor's Affidavit of Service, and the Debtor having made a prima facie case that it will suffer irreparable harm if the injunctive relief requested is not granted, and a high likelihood of reorganization of the relief is entered, and good cause shown.

**IT IS** on this \_\_\_\_ day of \_\_\_\_\_, 2021, **ORDERED** and **DECREED** as follows:

1. The Application is **GRANTED** to the extent set forth herein.
2. The Secretary shall appear before this Court on \_\_\_\_\_, 2021, at \_\_\_\_\_ (the "Return Date") at the United States Bankruptcy Court for the District of New Jersey, 400 Cooper

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Application.

Page -3-

Debtor: Aluminum Shapes, L.L.C.

Case No: 21-16520-JNP

Caption of Order: **Order to Show Cause of Debtor Aluminum Shapes, L.L.C. Compelling the Defendant to Show Cause Why Plaintiff Should Not be Granted a Preliminary Injunction and Temporary Restraining Order Pursuant to 11 U.S.C. § 105(a) and/or for an Extension of the Automatic Stay Pursuant to § 362(a) of the Bankruptcy Code**

Street, 4th Floor, Courtroom 4C,Camden, New Jersey, before the Honorable Jerrold N. Poslusny,

Jr., to show cause why Plaintiff should not be granted:

- a. A Preliminary Injunction pursuant to 11 U.S.C. § 105(a), Federal Rule 65 and Bankruptcy Rule 7065 enjoining the OSHA Action; and/or
- b. An Extension of the Automatic Stay Pursuant to § 362(a) of the Bankruptcy Code staying the OSHA Action; and
- c. Granting such other relief as this Court deems equitable and just.

And it is further **ORDERED** and **DECreed** that:

3. Pending further hearing on the Order to Show Cause on the Return Date provided in this Order, the OSHA Action is stayed, and the Secretary and his agents shall be and hereby are temporarily restrained from taking any action, or proceeding in any fashion with the prosecution of the OSHA Action.

4. The Defendant may seek dissolution of the temporary restraints on two (2) business days' notice to the Plaintiff.

5. A copy of this Order to Show Cause, Verified Adversary Complaint, and any supporting affidavits or certifications submitted in support of this application be served upon the Defendant within \_\_\_\_ days of the date hereof.

6. The Defendant shall file with the Clerk of the Court and serve upon the Plaintiff a written response to this Order to Show Cause so that such responsive papers are received no later than the \_\_ day of \_\_\_\_\_, 2021 at 4:00 PM EST.

**Page -4-**

**Debtor:** Aluminum Shapes, L.L.C.

**Case No:** 21-16520-JNP

**Caption of Order:** **Order to Show Cause of Debtor Aluminum Shapes, L.L.C. Compelling the Defendant to Show Cause Why Plaintiff Should Not be Granted a Preliminary Injunction and Temporary Restraining Order Pursuant to 11 U.S.C. § 105(a) and/or for an Extension of the Automatic Stay Pursuant to § 362(a) of the Bankruptcy Code**

7. Plaintiff shall file with the Clerk of the Court and serve upon the Defendant a written reply to the Defendant's opposition to this Order to Show Cause so that such reply is received no later than the \_\_\_ day of \_\_\_\_\_, 2021 at 4:00 PM EST.

8. If the Defendant does not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default.